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THE LORD DIGBIES SPEECH

IN

THE HOVSE OF COMMONS.

To the Bill of Attainder, of the Earle of STRAFFORD, *the* 21 *of* APRIL, 1641.

Printed in the Yeare, 1641.

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Maſter Speaker,

WE are now upon the point of giving (as much as in us lies) the finall Sentence unto death or life, on a great Miniſter of State and Peere of this Kingdome, *Thomas* Earle of *Strafford*; a name of hatred in the preſent age by his Practices, and fit to be made a terror to future ages by his puniſhment.

J have had the honour to be imployed by the Houſe in this great buſineſſe, frō the firſt houres that it was taken into conſideration: it was a matter of great truſt, (and I will ſay with confidence) that J have ſerved the Houſe in it with induſtry, according to my ability, but with moſt exact faithfulneſſe and ſecrecy.

And as I have hitherto diſcharged my duty to this Houſe and to my Country, in the progreſſe of this great Cauſe; ſo J truſt I ſhall doe now

in the laſt period of it, to God and to a good conſcience.

I doe wiſh the peace of that unto my ſelfe, and the bleſſings of *Almighty God* to me and my poſterity, according as my judgement on the life of this man, ſhall be conſonant with my heart, and the beſt of my underſtanding in all integrity.

I know well Maſter Speaker, that by ſome things I have ſaid of late, whileſt this Bill was in agitation, I have raiſed ſome prejudices upon me in the cauſe.

Yea ſome (: I thanke them for the plaine dealing) have bin ſo free as to tell me, that I ſuffered much by the backwardneſſe I have ſhewne in this Bill of *Attainder* of the Earle of *Strafford*, againſt whom I had bin formerly ſo keene, ſo active.

Mr. Speaker, I beg of you and the reſt but a ſuſpenſion of judgement concerning me, till I have opened my heart unto you freely and clearly in this buſineſſe.

Truely Sir, I am ſtill the ſame in my opinions and affections, as unto the Earle of *Strafford*, I confidently beleeve him the moſt dangerous Miniſter, the moſt inſupportable to free Subjects that can be character'd.

I beleeve his practiſes in themſelves as high, as tyrannicall, as any Subject ever ventured on, and the malignity of them hugely aggravated by thoſe rare abilities of his, whereof God hath given him the uſe, but the Devill the application. *In a word*, I beleeve him ſtill that grand *Apoſtate* to the *Commonealth*,

wealth, who must not expect to be pardoned it in this world, till he be dispatch'd to the other. And yet let me tell you Mr. Speaker, my hand must not be to that dispatch. *I protest as my Conscience stands informed, I had rather it were off.*

Let mee unfold unto you the Mystery, Master Speaker.

I will not dwell much upon justifying unto you my seeming variance at this time from what I was formerly, by putting you in mind of the difference betweene Prosecutors and Judges.

How misbecomming that fervor would be in a *Iudge*, which perhaps was commendable in a *Prosecutor*. *Judges* we are now, and must put on another Personage.

Is is honest and Noble, to be earnest in order to the discovery of Truth, but when that hath beene brought as farre as it can to light, our judgement thereupon ought to be calme and cautious.

In prosecution upon probable grounds, we are accountable onely for our industry or remisnesse, but in judgement, we are deeply responsable to God Almighty, for its rectitude or obliquity. In cases of life, the *Iudge* is Gods Steward of the parties bloud, and must give a strict account for every droppe.

But as I told you Master Speaker, I will not insist long upon this ground of difference in mee now, from what I was formerly.

The truth on't is, Sir, the ſame ground where-upon *I* (with the reſt of the five, to whom you you firſt committed the conſideration of my Lord of *Strafford*) brought downe our opinion, that it was fit he ſhould be accuſed of Treaſon, upon the ſame ground *I* was ingaged with earneſtneſſe in his proſecution, and had the ſame ground remained in that force of belieſe with me, which till very lately it did, I ſhould not have beene tender in his condemnation. But truly Sir, to deale plainly with you, that ground of our accuſation, that ſpurre to our proſecution, and that which ſhould be the baſis of my judgements, of the Earle of *Strafford*, as unto Treaſon, is to my underſtanding quite vaniſht away.

This it was, *Maſter Speaker*.

His adviſing the King to employ the *Army* of *Ireland*, to reduce *England*.

This I was aſſured would be proved, before I gave my conſent to his accuſation. *I* was confirmed in the ſame belieſe, during the proſecution, and fortified in it moſt of all ſince Sir *Henry Vaines* preparatory examinations, by the aſſurances which that worthy member Mr. *Pymme* gave me, that his Teſtimony would be made convincing by ſome notes of what paſſed at the *Junto* concurrent with it, which *I* ever underſtanding to be of ſome other Counſellour, you ſee now prove but a Copie of the ſame Secretaries notes, diſcover'd and produc't in the manner you

you have heard, and those, *Such disjoynted fragments of the venemous part of discourses, no results, no conclusions of Counsels, which are the onely things that Secretaries should register, there being no use at all of the other, but to accuse and to bring men into danger.*

But Sir, this is not that which overthrowes the evidence with me, concerning the *Army* of *Ireland*; nor yet that all the rest of the *Junto* upon their oathes remember nothing of it.

But this Sir, which I shall tell you, is that which workes with me under favour, to an utter overthrow of his evidence, as unto that of the *Army* of *Ireland*: *Before, whil'st I was a prosecutor, and under tye of Secrecy, I might not discover any weakenesse of the cause which now as a Judge I must.* Master Secretary was examined thrice upon Oath, at the preparatory Committee.

The first time he was questioned to all the *Interrogatories*, and to that part of the seventh which concernes the Army of *Ireland*, hee said positively in these words, *I can not charge him with that. But for the rest, he desires time to recollect himselfe, which was granted him.*

Some dayes after, he was examined a second time, and then depoles these words concerning the Kings being absolved from rules of government, and so forth very clearely. *But being prest to that part, concerning the* Irish *Army, againe can say nothing to that.*

Here

Here we thought we had done with him, till divers weekes after, my Lord of *Northumberland* and all others of the *Junto*, denying to have heard any thing concerning those words of reducing *England* by the *Irish* Army, it was thought fit to examine the Secretary once more, and then he deposes these words, to have beene said by the Earle of *Strafford* to his Majesty: *you have an Army in Ireland, which you may imploy here to reduce, (or some word to that sence) this Kingdome.*

Mr. *Speaker*, these are the circumstances which I confesse with my Conscience, thrust quite out of doores that grand Article of our charge, concerning his desperate advice to the King, of employing the *Irish* Army here.

Let not this I beseech you, be driven to an aspersion upon Master Secretary, as if he should have sworne otherwise then hee knew or beleeved, he is too worthy to doe that; onely let thus much be infer'd from it, that hee who twice upon oath with time of recollection, could not remember any thing of such a businesse, might well a third time misremember somewhat:

and

and in this buſineſſe the difference of one Letter, here for there, or that for this, quite alters the caſe, the latter alſo being the more probable, ſince it is confeſt of all hands, that the debate then was concerning a war with *Scotland*, and you may remember that at the Bar he once ſaid to employ there. And thus Mr. *Speaker*, I have faithfully given you an account what is this that hath blunted the edge of the Hatchet or Bill with me towards my Lord of *Strafford*.

This was that whereupon I accuſed him with a free heart, proſecuted him with earneſtneſſe, and had it to my underſtanding beene proved, ſhould have condemned him with innocence. Whereas now I cannot ſatiſfie my conſcience to doe it.

I profeſſe I can have no notion of any bodies intent to ſubvert the Lawes treaſonably, but by force; and this deſign of force not appearing, all his other wicked practiſes cannot amount ſo high with me.

I can find a more eaſie and more naturall ſpring, from whence to derive all his other Crimes, then from an intent to bring in Tyranny, and to make his owne poſterity as well as us, Slaves, as from revenge, from Pride, from Avarice, from Paſſion, and inſolence of Nature.

But had this of the *Iriſh* Army beene proved, it would have diffuſed a complexion of Treaſon, over all, it would have beene a With indeed, to bind all thoſe other ſcattered and leſſer branches, as it were into a Faggot of Treaſon.

I doe not say but the rest may represent him a man as worthy to dye, and perhaps worthier then many a Traytor. I doe not say, but they may justly direct us to *Enact* that they shall be Treason for the future.

But God keepe me from giving judgement of death on any Man, and of ruine to his innocent Posterity, upon a Law made, *â posteriori*.

Let the marke be set on the doore where the Plague is, and then let him that will enter dye.

I know Mr. *Speaker*, there is in *Parliament* a double power of life and death by Bill, a judiciall power; and a Legislative: the measure of the one, is what's Legally just; of the other, what is prudentially and politickly fit for the good and preservation of the whole. But those two, under favor, are not to be confounded in Judgement. We must not peece up want of Legality with matter of convenience, nor the defailance of prudentiall fitnesse, with a pretence of legall Justice.

To condemne my Lord of *Strafford* judicially as for Treason, my conscience is not assured that the matter will beare it.

And to doe it by the Legislative power, my reason consultively cannot agree to that, *since I am perswaded, neither the Lords nor the King will passe the Bill, and consequently that our passing it, will bee a cause of great divisions and combustions in the State.*

And therefore my humble advise is, that laying aside

aſide this Bill of *Attainder*, wee may thinke of another, ſaving onely life, ſuch as may ſecure the State from my Lord of *Strafford*, without endangering it, as much by diviſion concerning his puniſhment, as he hath endangered it by his practices.

If this may not be hearkned unto, let me conclude in ſaying that unto you all, which *I* have throughly inculcated to mine owne conſcience upon this occaſion. *Let every man lay his hand upon his heart, and ſadly conſider what we are going to doe with a breath, either juſtice or murther; juſtice on the one ſide, or murther heightned and aggravated to its ſupremeſt extent.* For as the *Caſuiſts* ſay, that he who lyes with his ſiſter commits inceſt, but he that marries his ſiſter ſins higher, by applying Gods Ordinance to his crime: *So doubtleſſe he that commits murther with the ſword of Juſtice, heightens that crime te the utmoſt.*

The danger being ſo great, and the caſe ſo doubtfull, that I ſee the beſt Lawyers in *diametrall oppoſition* concerning it; Let every man wipe his heart, as he does his eyes, when he would judge of a nice and ſubtile object. *The eye, if it be pretinged with any colour, is vitiated in its diſcerning. Let us take heed of a blood ſhotten eye of Iudgement.*

Let every man purge his heart cleare of all paſſions, (*I* know this great and wiſe body politicke can have none, but *I* ſpeake to inviduals from the weakneſſe which *I* find in my ſelfe.) Away with all perſonall animoſities, away with all flatteries

to the people, in being the sharper against him, because he is odious to them; away with all feares, lest by the sparing his bloud they may be incenst; away with all such considerations, as that it is not fit for a *Parliament, that one accused by it of Treason should escape with life.*

Let not former vehemence of any against him, nor feare from thence, that he cannot be safe while that man lives, be an ingredient in the sentence of any one of us.

Of all these corruptive of judgment, Mr. *Speaker*, I doe before God discharge my selfe to the uttermost of my power.

And doe with a cleare Conscience wash my hands of this mans blood, by this solemne protestation, that my Vote goes not to the taking of the Earle of *Straffords life.*

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